

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DONALD SHERMAN,

Plaintiff

V.

HAROLD WICKHAM,

Defendants

Case No.: 3:21-cv-00168-MMD-CSD

Order

Re: ECF No. 13

Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections (NDOC) proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. (ECF No. 6.)

The court screened Plaintiff's complaint and allowed him to proceed with claims under the First Amendment's Free Exercise Clause and the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc. Plaintiff alleges that he is Native American and that he was precluded from utilizing the sweat lodge because he is incarcerated in the condemned men's unit (CMU) at Ely State Prison (ESP) where he awaits execution. He further alleges that his request to add traditional native foods to NDOC's religious regulations for the Native American Faith Group to use in ceremonies and for ritual observances was denied. (ECF Nos. 5,

After screening, the case was stayed for 90 days while the parties participated in the court's early mediation program on December 21, 2021, which was unsuccessful. (ECF Nos. 8, 9.)

22 On February 4, 2022, the court issued an order lifting the stay and directing the Attorney
23 General's Office to file a notice advising whether it will accept service for the defendants within

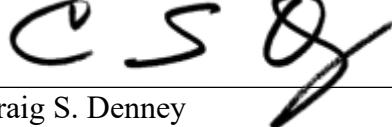
1 21 days, and to file a last known address under seal for any defendants for whom it cannot accept
2 service. For those defendants for whom service is accepted, an answer or responsive pleading
3 must be filed by April 5, 2022. (ECF No. 12.)

4 On February 7, 2022, Plaintiff filed a motion for preliminary injunction seeking an order
5 that he be provided access to the Native American sweat lodge at ESP. (ECF No. 13.) The
6 motion was electronically served on the Attorney General's Office.

7 Defendants shall file a response to motion for preliminary injunction within **30 days** of
8 the date of this Order. Plaintiff will have **seven days** from the date the response is filed to file a
9 reply brief. The court will then determine whether to hold a hearing or issue a report and
10 recommendation on the motion without a hearing.

11 **IT IS SO ORDERED.**

12 Dated: February 8, 2022


13 _____
14 Craig S. Denney
United States Magistrate Judge

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